

## Chapter 6.600 - Mobile Home Rent Stabilization

### Sec. 6.600.010. - Purpose and intent.

There is presently within the City of San Buenaventura and the surrounding areas a continuing shortage of spaces for the location of mobile homes. Because of this shortage, there is a continuing low vacancy rate. Prior to the enactment of this chapter rents had been, for several years, rising rapidly and causing concern among a substantial number of Ventura residents. Because of the continued high cost of moving mobile homes; the potential for damage resulting therefrom; the requirements related to the installation of mobile homes, including permits, landscaping and site preparation; the lack of alternative homesites for mobile home residents; and the substantial investment of mobile homeowners in such homes, a virtual monopoly exists in the rental of mobile home park spaces, creating a situation where, in the absence of legislative regulation, park owners have unbridled discretion and ability to exploit mobile home park tenants. For these reasons, among others, the city council finds and declares it necessary to continue to protect the mobile home owners' investment in their mobile homes, and to protect the owners and occupiers of mobile homes from unreasonable rent increases, while at the same time recognizing the need of park owners to receive a fair return on their property and rental income sufficient to cover increases in the costs of repairs, maintenance, insurance, employee services, additional amenities, and other costs of operation.

(Code 1971, § 2281)

### Sec. 6.600.020. - Definitions.

*Annual percentage increase* means a percentage equal to 100 percent of the increase in the consumer price index measured by the change in the CPI from the last month of the application year, if the previous application was pursuant to the provisions of section 6.600.070 or 6.600.080. If the previous rent increase was pursuant to subsection 6.600.070.C., the increase shall be 100 percent of the increase in the CPI during the 12-month period that starts with the most recent month used in calculating that previous increase under subsection 6.600.070.C.

*Application year* means the 12-calendar-month period used by a park owner in an application for a rent increase under section 6.600.070, for the purpose of comparing housing service costs incurred in that year with housing service costs incurred in a prior 12-month period ("the comparison year"), to determine increases or decreases in housing services costs the application year over housing service costs incurred in the comparison year. The 12 calendar months that shall be included in a park's application year shall be the same 12 calendar months used in that park's comparison year. The 12 calendar months that shall constitute a park's application year for the purpose of requesting a rent increase under section 6.600.070 shall be the 12 calendar months used in the last application approved by the Rent Review Board pursuant to the provisions of section 6.600.070.

*Base space rent* means the space rent charged and allowed as of June 1, 1981.

*Capital improvement* means the addition, substantial repair or replacement of any improvement to a unit or property within the geographic boundaries of a mobile home park which materially adds to the value of the property and appreciably prolongs its useful life or adapts it to new uses, and which is of the same type of improvement as those allowed to be amortized over the useful life of the improvement in accordance with the Internal Revenue Code and its regulations, as such regulations may be modified by applicable rent review board regulations.

*Comparison year* means the 12-calendar-month period used by a park owner in an application for a rent increase under section 6.600.070, for the purpose of comparing housing service costs incurred in that year with housing service costs incurred in a subsequent 12-month period ("the application year"), to determine increases or decreases in housing service costs in the application year over housing service costs incurred in the comparison year. The 12 calendar months that shall be included in a park's comparison year shall be the same 12 calendar months used in that park's application year. The 12 calendar months that shall constitute a park's comparison year for the purpose of requesting a rent

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increase under section 6.600.070 shall be the 12 calendar months used in the last application approved by the rent review board pursuant to the provisions of section 6.600.070.

*Consumer Price Index* or *CPI* means the Consumer Price Index for all urban consumers in Los Angeles-Anaheim-Riverside, all items (1967 equals 100), as reported by the Bureau of Labor Statistics of the United States Department of Labor.

*Current base rent* or *current base space rent* means base space rent plus the total of all rent increases and decreases approved or allowed by the rent review board or the rent administrator after June 1, 1981, pursuant to the provisions of this chapter.

*Housing services* means services provided by the owner related to the use or occupancy of a mobile home space, including, but not limited to water and sewer, natural gas, electricity, refuse removal, management and administration (including employee salaries and fringe benefits), maintenance and repairs, supplies, advertising, recreation facilities, laundry facilities, parking, security services, insurance, property taxes, other governmental assessments, and other costs reasonably attributable to the operation of the park. The term "housing services" shall not include mortgage payments, whether for principal, interest, or both; bonuses of any nature paid to park employees; penalties, fees, damages, or interest assessed or awarded for violations of this chapter or any other law; or any expenses for which the park owner has been reimbursed by any security deposit, insurance settlement, judgment for damages, settlement, or any other method. The term "housing services" shall also not include legal fees or costs, except that, subject to criteria and parameters (including maximum amounts) set forth in regulations which the rent review board shall adopt, the following attorneys' fees and costs shall be considered housing service costs: (1) attorneys' fees and costs incurred in connection with successful good faith attempts to recover rents owed to the owner and successful good faith unlawful detainer actions not in derogation of applicable law; and (2) attorneys' fees necessarily incurred in dealing with the normal operations of the park (not including attorneys' fees incurred in connection with administrative or judicial proceedings arising from or related to the provisions of this chapter, except as hereinabove provided); to the extent that such costs and fees are not recovered from the mobile home tenant(s) concerned or other responsible parties after the park owner has made reasonable good faith efforts to collect such costs and fees from such tenant(s) and other responsible parties.

*Mobile home* means a structure larger than eight feet by 40 feet designed for human habitation, transported over the highways to a permanent occupancy site, and installed on the site either with or without a permanent foundation.

*Mobile home park* means an area of land where two or more mobile home spaces are rented or leased out for mobile homes used as residences. "Mobile home park" does not include developments which sell lots for mobile homes or manufactured housing, or which provide condominium ownership of such lots, even if one or more homes in the development are rented or leased out.

*Mobile home park owner* or *owner* means the owner, lessor, operator, or manager of a mobile home park in the City of San Buenaventura.

*Mobile home park rent review board; rent review board; or board* means the mobile home park rent review board established by this chapter.

*Mobile home rent administrator* or *administrator* means the person designated by the city manager to perform the duties and exercise the powers of the mobile home rent administrator, as provided in subsections 6.600.050.B. and C. of this chapter.

*Rent increase anniversary date* means the 365th day following the date on which the last rent increase approved by the rent review board or the rent administrator became effective in a particular park.

*Resident representative* means the resident representative provided for in subsection 6.600.090.H.1. of this chapter.

*Resident* or *mobile home tenant* or *tenant* means any person entitled to occupy a mobile home which is located within a mobile home park in the City of San Buenaventura.

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*Space rent* means the consideration, including any security deposits, bonuses, benefits, or gratuities, demanded or received in connection with the use and occupancy of a mobile home space in a mobile home park, or for housing services provided, but exclusive of any amount paid for the use of a mobile home dwelling unit. "Space rent" does not include reasonable user fees for services actually rendered to some, but not all, of the residents of a mobile home park.

*Trailer* means a structure eight feet by 40 feet or less designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

(Code 1971, § 2282)

### Sec. 6.600.030. - Exemptions.

The provisions of this chapter shall not apply to the following tenancies in mobile home parks located in the City of San Buenaventura:

1. Mobile home park spaces rented for nonresidential uses.
2. Mobile home parks, the construction of which began after June 1, 1981. For the purposes of this section, "construction" shall mean the erection of structures.
3. Mobile home parks managed or operated by the United States Government, the State of California, or the County of Ventura.
4. Tenancies which do not exceed an occupancy of 20 days and which do not contemplate an occupancy of more than 20 days.
5. Tenancies for which any federal or state law or regulation specifically prohibits rent regulations.
6. Mobile home parks of less than 15 spaces.
7. Trailer parks which are occupied by less than 15 mobile homes.
8. Tenancies covered by leases or contracts entered into prior to June 1, 1981, which provide for more than a month-to-month tenancy, but only for the duration of such lease or contract. Upon the expiration or other termination of any such lease or contract, this chapter shall immediately be applicable to the tenancy. No leases or contracts which allow or provide for rent amounts different than rent amounts allowed by this chapter may be entered into subsequent to June 1, 1981, except as may be specifically permitted under Civil Code section 798.17.
9. Mobile home parks which sell lots for factory-built or manufactured housing, or which provide condominium ownership of such lots, even if one or more homes in the development are rented or leased out.

(Code 1971, § 2283)

### Sec. 6.600.040. - Mobile home rent review board.

- A. There is hereby established a mobile home rent review board consisting of five members who shall be appointed by and serve at the pleasure of the city council.
- B. The five members of the board shall be persons who are not connected with the real estate or rental housing industry for their personal gain; provided further that said members shall not be residents in or have any financial interest (as defined by state law) in any mobile home or mobile home park. Said members shall file a declaration to this effect with the city clerk.
- C. Board members shall not be compensated for their services as such but may receive reimbursement as provided by the city council for traveling and other expenses incurred while on official duty.

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- D. Terms of the board members shall be four years, except that the terms of three existing board members are hereby extended to January 1, 1988, on a one-time basis, so that terms of members will be staggered, with three expiring one year and two expiring two years later. The provisions of this section shall become effective on December 30, 1985.

(Code 1971, § 2284)

### Sec. 6.600.050. - Powers and duties of the board.

- A. Within the limitations provided by law, the board shall have the following powers and duties:
1. To meet from time-to-time as required by the city manager of the City of San Buenaventura or upon the filing of a rent schedule and to utilize the city offices and facilities as needed.
  2. To receive, investigate, hold hearings on, and pass upon the issues relating to mobile home park rent stabilization as set forth in this chapter.
  3. To make or conduct such independent hearings or investigations as may be appropriate to obtain such information as is necessary to carry out its duties.
  4. To adjust maximum rents either upward or downward or maintain rents upon completion of its hearings and investigations.
  5. To render annually a written report to the city council concerning its activities, holdings, actions, results of hearings, and all other matters pertinent to this chapter which may be of interest to the council.
  6. To adopt, promulgate, and amend and rescind administrative rules and regulations to effectuate the purposes and policies of this chapter. Among other things, the board shall adopt regulations which set forth amortization schedules for capital improvements, and shall adopt regulations which provide for a reasonable rate of interest on capital improvement costs; provided that the board shall adopt regulations setting forth the rate of interest on capital improvement costs so that such projects that are paid for by the owner without financing shall bear interest at the five-year U.S. Treasury Note rate plus one percent and if the capital improvements are financed, the interest rate shall be the prime rate.
- B. *Mobile home rent administrator.* The city manager shall designate an officer or employee of the City of San Buenaventura to perform the duties and exercise the powers described in subsection C. and other sections of this chapter where reference is made to the rent administrator. The rent administrator shall be a person who is not a tenant in a mobile home park, has no financial interest (as defined by state law) in any mobile home or mobile home park, and is not an owner of rental property.
- C. *Powers and duties of the rent administrator.*
1. The rent administrator shall calculate the maximum annual percentage increase provided for in subsection 6.600.070.F. and shall perform the duties and exercise the powers described in other sections of this chapter where reference is made to the rent administrator.
  2. The rent administrator shall review any application for a rent increase for completeness and request further information from the applicant, if necessary.
  3. The rent administrator shall call meetings, as needed, of the rent review board when rent increase applications must be evaluated and voted upon.
  4. The rent administrator shall assist the rent review board in performing its duties under this chapter, including but not limited to, development of forms and records, and reports to the city council.

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(Code 1971, § 2285)

Sec. 6.600.060. - Legality of increases.

On and after June 1, 1981, no increase in space rents in the mobile home parks covered by this chapter shall be effective unless approved by the board as set forth in this chapter.

(Code 1971, § 2286)

Sec. 6.600.070. - Determination of base rent and allowable increases.

- A. For purposes of determining allowable increases in space rent, the base rent or space rent, as the case may be, shall be divided into three components as follows:
  - 1. **Housing services:** That portion of the rent attributable to the cost of housing services, as defined in section 6.600.020 (not including capital improvement costs), less other park-related income.
  - 2. That portion of the rent attributable to capital improvements.
  - 3. **Remainder:** That portion of the base rent or current space rent not attributable to housing services or capital improvements.
- B. Mobile home park space rents may be increased no more than once per year according to the following formula:
  - 1. *Housing services.* The amount of space rent may be increased as necessary to cover documented increases in housing service costs. Increases in income from other park-related sources shall be deducted in determining the amount of increase in costs.
  - 2. *Capital improvements.* The amount of the space rent may be increased as necessary to cover documented capital improvement costs. Subject to the provisions of subsection D., the increase attributable to capital improvement costs shall include interest at a reasonable rate to be determined by the rent review board in accordance with regulations adopted by the rent review board. Capital improvement costs shall be amortized over the useful life of the improvements in accordance with amortization schedules adopted by the board. At the end of the amortization period, the increase attributable to capital improvement costs shall be deducted from the space rent.
  - 3. *Remainder.* The amount of space rent may also be increased by adding a sum equal to the lesser of the remainder of the space rent (not including capital improvement costs) times (a) seven percent, or (b) 75 percent of the percentage increase in the all-urban Consumer Price Index (CPI) for the Los Angeles-Long Beach area for the period covered by the rent increase application. If CPI statistics are not yet available for this period, then the most recent available statistics will be used.
  - 4. *Date effective.* Use of the lesser alternative of the seven percent CPI method of calculating remainder increases shall begin with all rent increase applications filed after August 15, 1983.
- C. Calculation of the one-year limitation on rental increases as provided herein shall be from the date the last increase became effective at the particular park.
- D. Termination of interest requirement. The provisions of subsection 6. of section 6.600.050 which require that the board adopt regulations which provide for a reasonable rate of interest on capital improvement costs, and any regulations adopted by the board pursuant thereto; and the provisions of subsection B.2. that require that the increase attributable to capital improvement costs shall include interest at a reasonable rate to be determined by the rent review board in accordance with regulations adopted by the rent review board, shall be and continue in effect only during such time as statutory or decisional law requires that a park owner be allowed to recover a reasonable or other

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return on capital improvement expenditures made by a park owner at a date earlier than the date of sale of the park; and when neither statutory nor decisional law imposes such a requirement, then the provisions and regulations referred to above shall automatically cease to be of any further force or effect unless such provisions or regulations are reinstated by subsequent ordinances or regulations adopted in accordance with applicable laws.

- E. Resident approval of certain rent increases. Notwithstanding the provisions of subsections A.—C. and G., the amount of the space rent may not be increased to cover capital improvement costs that are attributable to new capital improvements that did not previously exist in the park for which the rent increase is requested unless, prior to submitting a request for a rent increase pursuant to the provisions of subsections A.—C. or G., and before making the expenditure for such new capital improvements, the park owner obtained the written consent from at least one adult resident from each of the majority of the rental spaces in the park to include the cost of the new improvements as part of the rent increase permitted under subsections A.—C. or G., except that resident approval is not necessary if such new capital improvements are required by law or if the total expenditure for such new capital improvements is less than \$10,000.00.
- F. Maximum annual percentage increase.
  - 1. Subject to the provisions of subsections 2. and 3. of this subsection F., on a park's rent increase anniversary date, the park owner may increase the current base space rent in effect in that park to an amount equal to the current base space rent in effect on the previous month, adjusted by 100 percent of the percentage increase in the consumer price index (measured as provided in subsection 6.600.020.A.); provided, however, that such increase shall not exceed an amount equal to five percent of the current base rent in effect in that park in the month preceding the month in which the increase provided for in this section becomes effective. Said rent increase shall be calculated by the rent administrator and notice thereof shall be mailed to the owner of that park and to that park's residents' representative in sufficient time to enable the park owner to give residents in the park notice, pursuant to state law, of a proposed rent increase which will become effective on that park's rent increase anniversary date. It shall not be necessary for an owner to apply for a maximum annual percentage increase, and the rent increases provided for in this section shall not be subject to the review hearing process set forth in this chapter. However, no increase provided for in this section shall be charged to go into effect in any park unless that increase was calculated by the rent administrator and notice thereof was given to the park owner as provided in this section.
  - 2. The provisions of this subsection F. shall only apply to a park whose owner, not less than 120 days before the proposed effective date of a proposed rent increase, notifies the rent administrator in writing that the park owner has elected to obtain a rent increase pursuant to the provisions of this section. If a park owner gives the notice provided for in this subsection 2., the provisions of subsections A.—C., 6.600.080.A. and B. shall not apply to the park whose owner gave the notice unless and until that park owner notifies the rent administrator in writing that the park owner wishes to apply for an annual rent increase pursuant to the provisions of subsections A.—C. If a park owner gives notice that the park owner wishes to apply for a rent increase pursuant to the provisions of subsections A.—C. as provided in this section, any rent increase previously approved pursuant to the provisions of this section F. shall continue in effect until it is increased or otherwise changed pursuant to the provisions of subsection A.—C. or section 6.600.080. Any increase approved pursuant to the provisions of subsections A.—C. following a notice given by a park owner as provided in this section shall not become effective earlier than one year after the effective date of the last rent increase approved pursuant to the provisions of this section or section 6.600.080. A park owner shall not be entitled to receive an annual rent increase under both the provisions of this section and the provisions of subsections A.—C., or to receive an increase pursuant to the provisions of this section or subsections A.—C. as well as an increase pursuant to the provisions of section 6.600.080.
  - 3. If a park owner elects to apply for an annual rent increase pursuant to the provisions of subsections A.—C. after having obtained one or more rent increases pursuant to the provisions

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of subsection F., the first application for a rent increase under subsections A.—C. following the park owner's election to once again become subject to the provisions of subsections A.—C. shall use the application year that was used by that park owner in the last rent increase application approved by the rent review board for that park pursuant to subsections A.—C. as the park's comparison year; and the application year for purposes of the new application shall be the 12-month period that starts with the most recent month used in calculating the previous rent increase under subsection F. If the new rents that result from applying the rent increase formula under subsections A.—C. are less than the current base rents in effect in the month preceding the proposed effective date of the new rents under subsections A.—C., the current base rents shall not be reduced but shall continue in effect until they are changed pursuant to other provisions of this chapter.

### G. Rent adjustment based on capital improvements.

1. The provisions of this section shall only apply to a park whose owner has notified the rent administrator that the park owner has elected to obtain a rent increase pursuant to the provisions of subsection F. and who has not thereafter notified the rent administrator that the park owner wishes to apply for an annual rent increase pursuant to the provisions of subsections A.—C.
2. An application for a special rent increase based on the cost of a completed capital improvement may be filed with the rent administrator. Any such applications shall be submitted, if at all, not less than 120 days before the proposed effective date of a proposed rent increase pursuant to the provisions of subsection F. It shall be approved by the rent administrator if it satisfies the definition of a capital improvement set forth in subsection 6.600.020.D. of this chapter and any criteria for capital improvements adopted pursuant to IRS regulations, as such regulation may be modified by applicable rent review board guidelines; provided that any special rent increase granted under this section shall be amortized over the useful life of the improvement in line with IRS rules (as such rules may be modified by rent review board guidelines) and apportioned equally among the total number of rentable spaces in the mobile home park. Any special rent increase granted under this subsection shall remain in effect only during the amortization period of the improvement. Prior to submitting a request for a special rent increase based on a capital improvement that did not previously exist in the park requesting the increase, the owner must have obtained the written consent from at least one adult resident from each of the majority of the rental spaces in the park to include the cost of the improvements as a housing service expense before making the expenditures, except that resident approval is not necessary if the new capital improvement is required by law or if the new capital improvement cost is less than \$10,000.00.
3. A special rent increase application filed under this section shall be granted or denied within 30 days of receipt of a completed application and written notice of the determination by the rent administrator shall be mailed to the applicant and the affected residents' representative within that time. Written notice that an application has been determined to be incomplete and the reasons for that determination shall be given to the applicant within 30 days of receipt of the application. A written determination to grant a requested special rent increase or a modified special rent increase shall specify the duration and amount of the monthly rent adjustment granted. If a modified special rent increase is granted, the written determination shall specify the reason for the modification. If a special rent increase is denied, the written determination that the application shall be denied shall specify the reasons for the denial.
4. Whenever an application is submitted, all affected residents are entitled to copies of all documents in support of such application, and they shall be furnished to such persons by the park owner upon request and upon payment by the resident of reasonable copying fees comparable to competitive rates available locally.
5. Increases authorized and approved under this section shall be effective as of the rent increase anniversary date, but not earlier than 90 days after the park owner gives affected tenants notice of the proposed increase pursuant to the provisions of the mobilehome residency law.

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6. Subject to the provisions of subsection D., the rent administrator shall allow interest on any special rent increase approved pursuant to the provisions of this subsection G. at a rate consistent with regulations adopted by the rent review board.
7. Any decision of the rent administrator made pursuant to the provisions of this section may be appealed by the applicant to the rent review board. A park owner appealing a decision of the rent administrator pursuant to the provisions of this subsection must file a written notice of appeal with the rent administrator not later than 20 days after the rent administrator mailed the notice of the rent administrator's decision to the park owner. The notice of appeal must specify the decision appealed from and the grounds for the appeal.
8. In computing rent increases pursuant to the provisions of subsection D., the rent administrator shall not include in the current base rent any amounts that represent capital improvement costs approved by the rent review board or the rent administrator.

(Code 1971, § 2287)

### Sec. 6.600.080. - Initiation of board review.

- A. In order to implement a rent increase as permitted under section 6.600.070, the owner of a park must file with the board a fee of \$1,200.00 and an acceptable rent increase application on the form provided by the board, no less than 90 days before the effective date of the proposed rent increase. The rent increase application shall show the proposed new maximum rents for each space, calculated according to the formula set forth in section 6.600.070 above.

After conclusion of the hearing, the balance of the deposited processing fee, if any, shall be refunded to the owner. If additional expenses are incurred, the owner shall be billed, and shall be responsible for the same.

The owner shall serve each affected residence, either personally or by mail, with written notice of the proposed increase, in accordance with state law, and with written notice that a request for approval of same is being filed with the board. The owner shall file proof of such service with the board concurrent with the filing of the rent increase requests. Copies of the rent increase application and supporting documentation and any additional documentation thereafter submitted to the city shall be available free of charge to any tenant requesting same at the manager's office in the affected park.

- B. No later than 60 days from the filing of an acceptable application, the board shall meet and review the application, along with the staff recommendation thereon, for completeness, accuracy, and compliance with this chapter. Whenever reasonably feasible, the staff report and recommendation are to be made available to interested parties and mobile home park owners or their representatives 14 days prior to the hearing. If the board determines that the application as submitted or modified is complete, accurate, and in compliance with this chapter, it shall approve the increase and the new rents shall become effective as noticed by the owner, or as determined by the board.

If the board determines that the application is not complete, accurate, and/or in compliance with this chapter, it may deny the increase without prejudice based on the deficiency and inform the owner of the deficiency or take or direct other appropriate action. If the board approves an increase lower than that originally noticed by the owner, the same shall be effective as of the date noticed by the owner, or as determined by the board.

- C. If the owner requests an increase above that allowed by the formula set forth in subsection 6.600.070.A.—C. or D., whichever is applicable, the owner shall submit in addition to a section 6.600.070 rent increase application (if applicable), a subsection C. discretionary rent increase application on a form requesting a discretionary rent increase, together with supporting documentation. The time, notice and proof of service requirements set forth in subdivision A. above shall apply to such request. The owner shall also deposit an additional \$1,200.00 as a processing fee to cover administrative costs of conducting the hearing which shall be held on the proposed



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discretionary increase pursuant to subdivision D. below. After conclusion of the hearing, the balance of the deposited processing fee, if any, shall be refunded to the owner. If additional expenses are incurred, the owner shall be billed, and shall be responsible for payment of same.

- D. The board shall set a hearing on any application complying with the requirements of subsection C. no sooner than ten days and no later than 60 days after receipt of an acceptable application for discretionary rent increase and proof of service. The board shall notify the owner and tenants or tenant representative, in writing, of the time and place set for the hearing. No hearing or any part thereof may be continued beyond 30 days after the initial hearing date without the applicant's consent unless a longer continuance is made necessary by acts or omissions of or on behalf of the applicant. If the board approves an increase as requested, or lower than requested, the same shall take effect as noticed by the owner or as the board may otherwise direct.
- E. In any application for a rent increase under this chapter, the applicant shall indicate which, if any, of the mobile home spaces are covered by leases or contracts which provide for more than a month-to-month tenancy, together with the expiration date of each such lease or contract. Any rent increase approved by the board under this chapter shall not be applicable to spaces covered by such leases or contracts during the term of such leases or contracts.

(Code 1971, § 2288)

### Sec. 6.600.090. - Conduct of the hearing.

#### A. *Generally.*

1. All review hearings conducted by the board shall be open to the public.
2. All parties to a hearing may have assistance from an attorney or such other person as may be designated by said parties in presenting evidence or in setting forth by argument their position. All witnesses shall be sworn in and all testimony shall be under penalty of perjury.
3. In the event that either the owner or the tenant(s) should fail to appear at the hearing at the specified time and place, the board may hear and review such evidence as may be presented and make such decisions as if both parties had been present.
4. All review hearings shall be tape recorded. Tapes shall be preserved for six months, or longer if requested by either party affected by the hearing.

- B. *Standards of review.* In evaluating a rent increase proposed under section 6.600.080.C., the board shall consider, along with all relevant factors, changes in costs to the owner attributable to increases or decreases in master land and/or facilities lease rent, utility rates, property taxes, insurance, advertising, variable mortgage interest rates, governmental assessment and fees, incidental services, employee costs, normal repair and maintenance, and other considerations, including, but not limited to, capital improvements, upgrading and addition of amenities or services, net operating income, and the level of rent necessary to permit a just and reasonable return on the owner's property.

#### C. *Decision of the board.*

1. The board shall make a final decision no later than ten days after the conclusion of its hearing. The board's decision shall be based on the preponderance of the evidence submitted at the hearing. All parties to the hearing shall be advised of the board's decision and given a copy of the findings upon which the decision is based.
2. The board may (1) permit the requested increase to become effective, in whole or in part; (2) deny the increase; or (3) if circumstances justify, order a reduction in rent to a rate(s) determined by the board.

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3. If the board finds that an increase that went into effect, or any portion thereof, is not justified, the owner shall refund the amount found to be unjustified to the tenant within 30 days after the decision of the board is announced.
  4. If the board finds that a proposed increase, or any portion thereof that was previously inoperative, is justified, the tenant shall pay the amount found justified to the owner within 30 days after the decision of the board is announced.
  5. The decision and findings of the board shall be final and there shall be no appeal rights to the city council.
- D. *Tenant's right of refusal.* A tenant may refuse to pay any increase in rent which is in violation of this chapter, provided that the board has either not reached its decision or has found the increase violates the provisions of this chapter. Such refusal to pay shall be a defense in any action brought to recover possession of a mobile home space or to collect the rent increase.
1. Harassment of residents.
    - (a) No owner shall harass, coerce, or exert pressure of any kind on a resident or mobile home owner to vacate a mobile home space or to sell a mobile home located on a space subject to this chapter. The provisions of this subsection shall not preclude an owner from terminating or refusing to renew a tenancy for one or more of the reasons set forth in section 798.56 of the Civil Code of the State of California, subject to the limitations and procedures set forth in sections 798.55 through 798.58 of the Civil Code or other applicable laws.
    - (b) If any owner violates subsection (a), any affected resident may seek relief in a court of appropriate jurisdiction for injunctive relief and damages. In any such court proceeding, in addition to damages afforded by law, each resident or former resident who is a prevailing party in such proceeding shall be entitled to recover from the park owner an amount equal to such prevailing party's reasonable attorney's fees, plus the amount of \$500.00 for each willful violation of subsection (a), which amounts shall be payable by the park owner as a penalty for such violation.
    - (c) Any violation of this section shall be a misdemeanor.
- E. *Retaliatory evident.* Notwithstanding subsection D. above, in any action brought to recover possession of a mobile home space, the court may consider as grounds for denial any violation of any provision of this chapter. Further, the determination that the action was brought in retaliation for the exercise of any rights conferred by this chapter shall be grounds for denial.
1. Civil remedies. If any owner demands, accepts, receives or retains any payment of rent in excess of the maximum lawful space rent, as determined under this chapter, then the tenants in such mobile home park affected by such violation, individually or by class action, may seek relief in a court of appropriate jurisdiction for injunctive relief and damages. In any such court proceeding, in addition to damages afforded by law, each resident or former resident who is a prevailing party in such proceeding shall be entitled to recover from the park owner an amount equal to such prevailing party's reasonable attorney's fees, plus the amount of \$500.00 for each willful violation of section, which amounts shall be payable by the park owner as a penalty for such violation.
- F. *Review by city council.* The city council shall review the effectiveness of this chapter in addressing the problems giving rise to its enactment and take appropriate legislative or other action thereon.
- G. *Procedural irregularities.* Formal rules of evidence or procedure which must be followed in court shall not apply to board proceedings, except to the extent that the board shall determine. No action of the board hereunder shall be held void or invalid or be set aside by any court on the grounds of the improper admission or rejection of evidence, or by reason of any error, irregularity, informality, neglect or omission (hereinafter called "error") as to any matter pertaining to applications, notices, findings, records, hearings, reports, recommendations, or any matters of procedure whatever,

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including but not limited to those included in this section, unless after an examination of the entire case, including the evidence, the court shall be of the opinion that the error complained of was prejudicial, and that by reason of such error the party complaining or appealing sustained and suffered substantial injury, and that a different result would have been probable if such error had not occurred or existed. There shall be no presumption that error is prejudicial or that injury was done if error is shown.

H. *Notice to new and prospective tenants.* Prior to or at the time of agreeing to rent space to a new tenant in a mobile home park, the owner shall provide each new tenant or prospective tenant with a copy of the mobile home park rent stabilization system ordinance, as currently in force.

1. Resident representative. The residents of each mobile home park in the city shall annually elect by majority vote, with one vote per space, a resident representative to receive all notices required by this chapter. The residents shall advise the rent administrator of the name, address and telephone number of the elected resident representative, in writing, no later than January 15th of each year, except that in 1996, such information shall be provided to the rent administrator no later than May 30, 1996.

I. *Fees.*

1. The city council shall, by resolution, adopt fees for the following:

(a) Annual administrative fees, in an amount specified by council resolution, per space per month based on the number of spaces in the mobile home park covered by this chapter to be used for the costs of administering this chapter. Such fees shall be paid by each park owner to the city at the same time the park owners are required to pay business license taxes for their respective parks. The mobile home owners covered in this chapter shall pass 50 percent of any part of the space fee designated in the council resolution as the "basic fee" on to the residents of the park as their share in the payment of this fee by a separate charge on the resident's monthly rent statement. In addition, the mobile home owners shall similarly pass any part of the space fee designated in the council resolution as an "additional fee" on to the residents of the park as their share in the payment of the fee for services provided by the city that are of particular value only to the residents. The owner's share of this fee shall not be included as an operating expense for purposes of a rent increase application.

(b) The fees provided for in this section are to help cover the costs of administering this chapter and shall include, but are not limited to, staff costs and the costs of legal services rendered in connection with the administration of any of the provisions of this chapter or any actions taken pursuant thereto.

(c) A copy of this chapter shall be posted in the office of every mobile home park and in the recreation building or clubhouse of every mobile home park. A copy of this chapter shall be shown to every prospective resident of a mobile home park before the prospective resident agrees to any rental agreement or lease. Verification that each prospective resident has reviewed this chapter prior to agreeing to any rental agreement or lease shall be provided to the rent review board by filing with the board a city certification form signed by the prospective resident.

2. Rights of purchasers of existing mobile homes in existing mobile home parks.

(a) The purchaser of an existing mobile home, located in an existing mobile home park, shall have the same rights as the homeowner/seller of the mobile home has under the provisions of the Mobile Home Residency Law (§§ 798 et seq., Civil Code). A park owner may not require, directly or indirectly, that any prospective resident sign a lease or rental agreement that provides that it shall be exempt from local rent control or provides for space rent in excess of that permitted by local rent control as a condition of tenancy in the park. No park owner may deny a tenancy to a prospective purchaser of a mobile home in the

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park on the grounds that the prospective purchaser will not sign such a lease or rental agreement.

- (b) A notice which conforms to the following language and is printed in bold letters of the same type size as the largest type size used in the rental agreement shall be presented to any prospective resident at the time of presentation of a rental agreement creating a tenancy with a term greater than 12 months.

IMPORTANT NOTICE TO HOMEOWNER REGARDING THE PROPOSED RENTAL AGREEMENT FOR \_\_\_\_\_ MOBILE HOME PARK. PLEASE TAKE NOTICE THAT THIS RENTAL AGREEMENT CREATES A TENANCY WITH A TERM IN EXCESS OF TWELVE (12) MONTHS. BY SIGNING THIS RENTAL AGREEMENT, YOU ARE EXEMPTING THIS MOBILE HOME SPACE FROM THE PROVISIONS OF THE RENT STABILIZATION SYSTEM OF THE CITY OF SAN BUENAVENTURA AND THE STATE MOBILE HOME RESIDENCY LAW (CALIFORNIA CIVIL CODE SECTIONS 798 ET SEQ.). BEFORE SIGNING THIS RENTAL AGREEMENT YOU MAY CHOOSE TO SEE A LAWYER.

YOU HAVE A RIGHT TO BE OFFERED A RENTAL AGREEMENT FOR ONE (1) TERM OF TWELVE MONTHS, OR (2) A LESSER PERIOD AS YOU MAY REQUEST, OR (3) A LONGER PERIOD AS YOU AND THE MOBILE HOME PARK MANAGEMENT AGREE. YOU HAVE THE RIGHT TO REVIEW THIS AGREEMENT FOR THIRTY (30) DAYS BEFORE ACCEPTING IT OR REJECTING IT. IF YOU SIGN THE AGREEMENT YOU MAY CANCEL THE AGREEMENT BY NOTIFYING THE PARK MANAGEMENT IN WRITING OF THE CANCELLATION WITHIN SEVENTY-TWO (72) HOURS OF YOUR EXECUTION OF THE AGREEMENT. IT IS UNLAWFUL FOR A MOBILE HOME PARK OWNER OR ANY AGENT OR REPRESENTATIVE OF THE OWNER TO DISCRIMINATE AGAINST YOU BECAUSE OF THE EXERCISE OF ANY RIGHTS YOU MAY HAVE UNDER THE MOBILE HOME PARK RENT STABILIZATION SYSTEM OF THE CITY OF SAN BUENAVENTURA, OR BECAUSE OF YOUR CHOICE TO ENTER INTO A RENTAL AGREEMENT WHICH IS SUBJECT TO THE PROVISIONS OF THAT LAW.

The notice shall contain a place for the tenant to acknowledge receipt of the notice and shall also contain an acknowledgment signed by the park management that the notice has been given to the tenant according to this section. A copy of this notice executed by the park management shall be provided to the tenant.

- (c) Absent an agreement to the contrary, the maximum rental fee that may initially be charged to the purchaser of an existing mobile home, in an existing mobile home park, is a rental fee that does not exceed the rental fee in force and effect on the date that title of the mobile home transfers from the seller to the purchaser.

(Code 1971, § 2289; Ord. No. 2006-018, § 1, 12-4-06))

### Sec. 6.600.100. - Mobile home park closures.

- A. *Generally.* Prior to conversion of a mobile home park to another use, or prior to closure of a mobile home park or cessation of use of land as a mobile home park, in whole or in part, a final permit must be obtained pursuant to subsection G. of this section.
- B. *Notice to residents.* The park owner shall give at least two years' advance notice of the proposed closure of the park to all residents and coach owners in the affected park, and shall continue to give notice to all new potential residents that prior notice has been given.
- C. *Preliminary permit application requirements.* A person or entity seeking to convert a mobile home park to another use, or to close a mobile home park or cease a use of land as a mobile home park,

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in whole or in part, shall apply for a preliminary permit to do so on forms provided by the planning division. The application shall be accompanied by payment of a filing fee in an amount as prescribed by city council resolution and shall include a report on the impact of the proposed conversion, closure, or cessation of use upon the residents of the mobile home park who would be displaced and a proposed relocation assistance plan, each of which shall be prepared in accordance with the requirements hereinafter set forth. The application will not be accepted for filing unless accompanied by the required impact report and relocation assistance plan.

The application shall include each of the following:

1. *Concept plan.* A written statement and concept plan indicating the use the park site is intended to accommodate, including the approximate number of proposed residential units, if any; approximate square footage and use of any buildings proposed; and the probable impacts/benefits to the community created by the proposed project.
2. *Site plan.* A site plan of the existing mobile home park showing the existing layout, with all existing mobile home spaces identified by number and indicating whether the space is currently occupied, and other site features.
3. *Residents list.* A list of the names and addresses of all current residents of the mobile home park.
4. *Impact report.* A report on the housing and financial impacts of the removal of the mobile homes upon all displaced residents. The report shall include, but not be limited to, the following items, except where the applicant can demonstrate that the necessary information is not available:
  - (a) Rental rate history for each space for the previous five years.
  - (b) Monthly vacancy rate for each month during the preceding two years.
  - (c) Makeup of existing resident households, including family size, length of residence, age of residents, estimated household income, and whether receiving federal or state rent subsidies.
  - (d) The date of manufacture and size of each mobile home in the park.
  - (e) An analysis of moving existing mobile homes which shall include, but not be limited to, the availability of other sites; the total costs of relocating mobile homes to a new location; and the feasibility of existing mobile homes being accepted at other locations.
5. *Relocation assistance plan.* A proposed relocation assistance plan shall be prepared by or on behalf of the applicant which states all measures proposed by the applicant to mitigate any identifiable adverse impacts of the proposed closure or conversion of use on the residents of the mobile home park who would be displaced thereby. Every proposed relocation assistance plan shall provide, at a minimum, that displaced residents will be provided relocation benefits that relate to the identified impacts. Relocation benefits must bear a relationship to the cost of displaced residents finding alternative housing and will be determined on a case-by-case basis. With regard to mobile homes which cannot be moved to another mobile home park, consideration shall be given to the purchase of such mobile homes by the applicant at their appraised fair market value as determined by a qualified, independent appraiser, as approved by the city, utilizing principles applicable in relocation matters. The foregoing applies whether or not the mobile home owner resides in the unit.

Persons who own mobile homes or who are tenants in the mobile home park at the time notice is given pursuant to subsection B. will be eligible for relocation assistance as determined in the fully approved relocation assistance plan. Persons who become mobile home owners or tenants after the time notice is provided pursuant to subsection B., may be eligible for relocation assistance as determined in the fully approved relocation assistance plan.

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6. *Proof of service of notice.* The applicant shall provide evidence, by proof of service, that he/she has given the notice required by subsection B., to all applicable residents and coach owners, and continues to give such notice to all new potential residents.
7. *Other information.* The applicant shall provide any other information which the city planner reasonably believes is necessary for purposes of properly evaluating the preliminary permit request.

The application will not be accepted as complete until and unless all materials required hereby have been submitted.

The person or entity proposing the change in use shall make a copy of the impact report and of the relocation assistance plan available to each resident of the mobile home park at least 45 days prior to the planning commission hearing on the preliminary permit application.

- D. *Hearing.* A hearing shall be held on the preliminary permit application before the planning commission. The commission shall not approve a preliminary permit unless it finds that:
1. Conversion, closure or cessation of use of the land as a mobile home park will not be materially detrimental to the housing needs and public interest of the affected neighborhood and of the city as a whole; and
  2. Measures to reasonably and adequately mitigate any adverse impact of the proposed conversion, closure or cessation of use on the mobile home park residents who will be displaced will be incorporated as conditions of permit approval.

If either the impact report or relocation assistance plan are found to be inadequate, insufficient or incomplete, the preliminary permit may be denied without prejudice. If the applicant thereafter cures the deficiencies, the applicant may reapply without payment of a new filing fee.

In passing on and approving any preliminary permit hereunder, reasonable conditions may be imposed to mitigate adverse impacts on mobile home park residents who will be displaced, including, by way of example, but without limitation, relocation assistance requirements, phasing of the conversion, closure or cessation of use, bonding requirements, and any other reasonable requirements in the facts and circumstances of the particular permit request.

- E. *Notice of approval of preliminary permit.* Written notices will be mailed to all residents residing in the mobile home park within ten days after the approval of a preliminary permit. Such notice will state all of the conditions of approval of the preliminary permit. The mobile home park owner shall pay the city's costs of doing said mailing.
- F. *Denial of permit for coercion.* A permit may be denied where there is substantial or credible evidence that mobile home park residents have been coerced to publicly support or approve closure, proposed conversion of a mobile home park to another use, or cessation of the use of land as a mobile home park, or to refrain from publicly opposing the same, or to forego any assistance to which they might be entitled.

It shall be against public policy to avert the provisions of this section 6.600.100, or any of them, by coercing the waiver of any rights or privileges created or protected thereby. Any provision of a lease or agreement which purports directly or indirectly to waive or require waiver of a resident's rights under said sections or which requires prior consent to the conversion, closure or cessation of use of land as a mobile home park shall be null, void and unenforceable.

- G. *Final permit.* When it appears that the conditions of a preliminary permit have been fulfilled or that performance and/or compliance has been sufficiently guaranteed in a manner acceptable to the city or as specified in the preliminary permit, application may be submitted to the planning division for a final permit. A public hearing shall be held before the planning commission. If it is found that the conditions of the preliminary permit have been fulfilled or that performance and/or compliance has been sufficiently guaranteed in a manner acceptable to the city or as specified in the preliminary

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permit, a final permit shall be approved. If all requirements have not been satisfactorily met, the final permit shall be denied.

- H. *Appeals.* Any interested or aggrieved person shall have the right to appeal a decision of the planning commission on a preliminary permit or final permit request to the city council by paying the appeal fee established by city council resolution and filing a notice of appeal with the city clerk within ten days of the date of the planning commission's action. The procedure governing any appeal shall be as provided in sections 15.865.010 through 15.865.070 of this Code.
- I. *Duration of permit.* The final permit granted pursuant to subsection G. shall be valid for a period of one year after approval by the planning commission or city council on appeal, except that if such one-year period terminates prior to the proposed closing date given in the required two-year notice, the permit shall remain valid until such notice date. Any and all rights to close a park pursuant to such a permit shall lapse at the expiration of the permit. The city council may, for good cause shown, grant an extension to the final permit. Unless an extension is granted by the city council to delay the closure, the permit shall lapse.
- J. *Effect on existing conditional use permits.* The requirements of this section 6.600.100 shall apply to all existing mobile home parks within the city, regardless of any time limitations that may exist with respect to the term of any conditional use permit issued for any mobile home park. The use of any property covered by such a conditional use permit may lawfully continue and the conditional use permit shall be deemed to remain in full force and effect until such time as a final permit for conversion, closure or cessation of use is granted pursuant to subsection G.

(Code 1971, § 2289)